

Exhibit D

JOHN T. CLARK AND SON

Wharf Developers and Marine Terminal Operators

BOSTON FISH PIER, WEST BUILDING, SUITE 303, BOSTON, MA 02210 • 617-330-7810 FAX 617-343-0574
555 MARKET STREET, PORTSMOUTH, NJ 03801 • 603-431-8500 FAX 603-427-0771

May 24, 2000

TO WHOM IT MAY CONCERN:

Please be advised that Mr. Stephen Keefe is not a management employee of John T. Clark and Son of Boston, Inc.

Mr. Keefe is employed by our company on a casual basis as a longshoreman working at Conley Container Terminal.

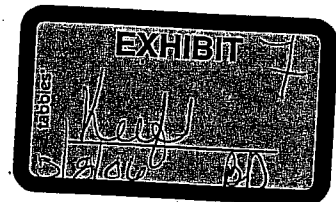
Very truly yours,

JOHN T. CLARK AND SON OF BOSTON, INC.

William P. Horohoe

William P. Horohoe
President

WPH:mcc



ENCLOSURE 16

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EXHIBITS 1-20

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO.: 04-CV-11340DPW

* * * * *

STEPHEN KEEFE,

PLAINTIFF,

VS

LOCALS 805, INTERNATIONAL

LONGSHOREMEN'S ASSOCIATION,

AFL-CIO, ET. AL,

DEFENDANTS.

* * * * *

DEPOSITION OF STEPHEN KEEFE, taken on
behalf of the Defendants, pursuant to the
applicable provisions of the Federal Rules of
Civil Procedure, before Bernadette J. D'Alelio,
Notary Public and Court Reporter within and for
the Commonwealth of Massachusetts, at the
Offices of Mullen & McGourty, 52 Temple Place,
Boston, Massachusetts, on May 8, 2006,
at 10:01 a.m., as follows:

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1 A. Yes.
 2 Q. Do you still have your answers to the
 3 admissions in front of you?
 4 A. Yes.
 5 Q. Would you turn to Page 2, please.
 6 Do you see request Number 4 where it
 7 says, "Rule 37 of the hiring hall work rules
 8 for Local 799, 800, and 805 permits a six-month
 9 suspension from a gang or steady job for a
 10 member's violation of his pledge or due to his
 11 failure to appear before the rules committee
 12 when summoned."
 13 And you admitted that in your answers;
 14 is that right? I'm asking you to look at Page
 15 2 of the admissions.
 16 A. I know.
 17 Q. You admitted that to be a correct
 18 statement; is that right?
 19 A. Yes.
 20 Q. And so you also understood when you
 21 admitted that in January of 2006 that that
 22 admission was referring directly to what we've
 23 now marked as Exhibit 5 as the hiring hall
 24 rules, right?

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1 A. Yes.
 2 Q. At the bottom of Page 2, Request
 3 Number 7 on May 25, 2000, you signed a pledge
 4 sheet affirming your compliance with hiring
 5 hall rule 36 as it existed in May of 2000, and
 6 then you answer "admitted"; is that right?
 7 A. Yes.
 8 Q. And then in Request Number 8 in May of
 9 2000, you signed a pledge with Local 805. You
 10 were working exclusively at the craft of being
 11 a longshoreman. And you answered "admitted,"
 12 is that right, on Page 3?
 13 A. Yes.
 14 MR. MAHONEY: Mark that as the
 15 next exhibit, please.
 16 (Exhibit-6, Pledge Dated 5/25/00,
 17 marked for identification.)
 18 BY MR. MAHONEY:
 19 Q. We were just talking about the pledge
 20 that you signed in May of 2000, I'm going to
 21 show you what we now marked as Exhibit 6 to
 22 this deposition and ask if that is the pledge
 23 that you signed on May 25, 2000, or a copy of
 24 it?

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1 A. Yes.
 2 Q. When you read that, those words on
 3 Exhibit Number 6, you understood them; is that
 4 right?
 5 A. Yes.
 6 Q. Otherwise, you wouldn't have signed
 7 it, right?
 8 A. Yes.
 9 Q. You understood the capitalized,
 10 underlined phrase "working at this craft
 11 exclusively," otherwise you wouldn't have
 12 signed it, right?
 13 A. Yes.
 14 Q. John T. Clark & Son, they're contract
 15 stevedores and marine terminal operators, is
 16 that right, or they were?
 17 A. Yes.
 18 Q. What type of work did Local 805 do?
 19 A. Union work.
 20 Q. Are they stevedores?
 21 A. No.
 22 Q. They are not. Are they longshoremen?
 23 A. Yes.
 24 Q. What does a longshoreman do?

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1 A. A variety of things, unload ships, car
 2 jobs.
 3 Q. Drive cars off of ships. Anything
 4 else?
 5 A. Salt jobs.
 6 Q. What is a salt job?
 7 A. Unload salt passenger ships.
 8 Q. A longshoreman works down at the dock
 9 at a port, regardless of where it is, right?
 10 A. Yes.
 11 Q. And could you generally say that a
 12 longshoreman is a laborer who will unload all
 13 types of cargo from ships that is brought into
 14 the port; is that right?
 15 A. Yes.
 16 MR. MAHONEY: Let's mark this as
 17 the next exhibit, please.
 18 (Exhibit-7, Letter Dated 5/24/00,
 19 marked for identification.)
 20 BY MR. MAHONEY:
 21 Q. I'm going to show you, Mr. Keefe, what
 22 we've marked as Exhibit 7 and ask if you
 23 recognize this document?
 24 A. Yes.

11 (Pages 38 to 41)

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1 Q. What do you recognize it to be?
 2 A. It's a letter from William Horahoa.
 3 Q. Who is William Horahoa?
 4 A. He is the president of John T. Clark
 5 or was the president of John T. Clark.
 6 Q. What is the date on the letter?
 7 A. May 24th, 2000.
 8 Q. Who is the addressee on the letter?
 9 To whom it may concern?
 10 A. Yes.
 11 Q. Now, in May of 2000, Mr. Horahoa
 12 indicated that "Mr. Keefe is employed by our
 13 company," meaning John T. Clark & Son, "on a
 14 casual basis as a longshoreman working at the
 15 Conley Container Terminal"; is that correct?
 16 A. Yes.
 17 Q. Earlier, when you said that your
 18 family was taking care of you, had your job
 19 duties or responsibilities or any of the work
 20 that you did at John T. Clark & Company at any
 21 time when you were getting money from them,
 22 ever change?
 23 A. At any time?
 24 Q. Yeah. Why don't I limit the

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1 question.
 2 From 2000 until 2003, did your job
 3 duties and responsibilities at John T. Clark &
 4 Son change?
 5 A. No. I was working out of the hall.
 6 MR. MAHONEY: So let's mark the
 7 W-2 from 2000 as the next exhibit from John
 8 T. Clark. Actually, there is two of them.
 9 For the record, we will do 8A as the
 10 76,362 one, and we'll do 8B as the 13,585 W-2
 11 from 2000.
 12 (Exhibit-8A and 8B, W-2s for
 13 2000; Exhibits-9A and 9B, W-2s
 14 for 2001; Exhibits-10A and 10B,
 15 W-2s for 2002, marked for
 16 identification.)
 17 MR. MAHONEY: For the record,
 18 Exhibit 1 contains three documents. One is the
 19 W-2 of John T. Clark & Son. 1A, which we are
 20 going to mark in a minute, is a W-2 from
 21 Columbia Coastal. And then 1C appears to be a
 22 copy of the amount of unemployment compensation
 23 that the plaintiff received in 2003.
 24 So let's mark 1B and 1C.

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1 (Exhibit-1B, W-2; Exhibit-1C,
 2 Unemployment Compensation, marked
 3 for identification.)
 4 BY MR. MAHONEY:
 5 Q. We've already talked about Exhibit 1.
 6 Let's talk about Exhibit 1B.
 7 What is that, sir?
 8 A. Unemployment--
 9 Q. A copy of unemployment compensation?
 10 A. -- compensation.
 11 Q. It appears you received more than
 12 \$19,000 from the Commonwealth for unemployment
 13 compensation; is that right?
 14 A. Yes.
 15 Q. You applied for that unemployment
 16 compensation as a result of being laid off?
 17 A. Yes.
 18 Q. Who were you laid off by?
 19 A. The union.
 20 Q. Did you have to list a specific
 21 employer?
 22 A. P&O Ports, I think.
 23 Q. When did you begin to collect
 24 unemployment compensation in 2003?

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1 A. I don't remember. I don't know what
 2 month or --
 3 Q. All right. Well, if you were
 4 suspended in March of '03, would it be fair to
 5 infer that you applied for unemployment
 6 compensation sometime after March of 2003; is
 7 that right?
 8 A. I would say yes, but I don't know. I
 9 don't know if that is the right date or not.
 10 Q. Well, let me try it this way.
 11 A. I would have to go back to my records
 12 and see.
 13 Q. What records are those?
 14 A. There is more stuff I have at home for
 15 unemployment.
 16 Q. You wouldn't have applied for
 17 unemployment if you were still working?
 18 A. No.
 19 Q. And you said a moment ago you applied
 20 for unemployment after your suspension from the
 21 union; is that right?
 22 A. I would say so, yes.
 23 Q. With regard to Exhibit 1C, Columbia
 24 Coastal, it looks like maybe you got a paycheck

12. (Pages 42 to 45)

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